



Superior Court Operations Division

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POLICY NO.

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PAGE 1 of 4

SUPERSEDES OR AMENDS

SUBJECT:

PROTECTION OF FAMILY
VIOLENCE VICTIMS

Date: June 26, 2008

To: Judicial District Chief Clerks
Deputy Chief Clerks for Juvenile Matters

From: David M. Iaccarino, Deputy Director

Public Act 08-67

**An Act Concerning the Protection of Family Violence Victims
in Family Relations Matters (etc.)**

Section 1 - Effective July 1, 2008

Introduction:

Enclosed please find a copy of the above-referenced public act. Section 1 provides for the filing of a motion for testimony of a party or child in a family or juvenile matter to be taken outside the physical presence of another party if there is an outstanding protective order, restraining order or standing criminal restraining order. The use of alternative means to obtain the testimony may include, but is not limited to, conducting the hearing by videoconference.

If the court orders that the testimony is to be taken by videoconference, there are currently three court locations that are equipped for such purposes: Rockville at 20 Park Street, Hartford at 90 Washington Street, and Bridgeport at 1 Lafayette Circle. Three additional sites are scheduled to become available in the upcoming months. Also, we are pursuing other alternatives that could provide for expanded videoconference service statewide and we will provide additional information as it becomes available.

Procedure:

1. Motion for Alternative Means of Testimony

Upon receipt of a motion for alternate means of testimony, a hearing shall be scheduled in the usual fashion unless otherwise instructed by the court. If the court grants the motion and the order includes videoconferencing, the court, whenever possible, should

articulate the relevant dates and locations for the future hearing in its order.

Please note that currently the court will need to schedule the next hearing at two courts that have the videoconference equipment. A Judge or Magistrate and one party will need to be at one facility while the protected party or child will need to be at another.

It has been decided that there will not be a Judicial Branch motion form created at this time.

2. Teleconferencing

Teleconferencing continues to be a viable option to secure testimony. This capacity currently exists in most, if not in all, Judicial District courthouses and will be available within the next couple of months in all Juvenile courthouses.

3. Videoconferencing

A. Shared Calendar

A "videoconferencing shared calendar" has been created in Edison to show the scheduling availability of the court locations that are equipped with videoconference equipment. See <http://zeus/co/edison/>. The intention has been to "block" specific days of the week, or portions thereof, for courts statewide to use in their scheduling efforts. The courtroom clerk should have either direct access to this link or printouts from that link to assist the court in scheduling the future hearing.

The initiating court clerk or caseflow coordinator shall provide notice of the scheduling as soon as possible to the Court Operations Central Office via email at VideoConFJ@jud.ct.gov. The Central Office will update the shared calendar and will send a confirmation email back to the court's contact persons and will copy the affected courts.

B. Case Referral

The initiating court that orders videoconferencing will refer the case file to one designated primary court to conduct the hearing and will identify any special accommodations that will be needed at the hearing (e.g., interpreter, etc). Also, a secondary court shall be designated at which the protected party or child shall appear.

C. Hearing date

The primary court will conduct the hearing in open court, unless otherwise determined, with the protected party or child connected by videoconference. It is important to note that juvenile matter proceedings are generally confidential and therefore all appropriate efforts should be made to ensure the proceedings are not open to the public.

Unless otherwise indicated, the primary receiving court will be responsible to provide a

Judge or Magistrate to hear the matter, as well as to provide a courtroom clerk, court monitor, and Judicial Marshal. Also, it will be the responsibility of the clerk to operate the videoconference equipment.

The secondary receiving court will provide the protected party or child with access to the courtroom having videoconference equipment. There should be a Judicial Marshal present to ensure that security is maintained. It will be the responsibility of the clerk to operate the videoconference equipment at the secondary location as well.

Any court orders entered relevant to the Protection Order Registry need to be input by the end of the business day. Therefore, it will be necessary for the primary receiving court to communicate the relevant orders (e.g., fax, etc.) as soon as possible to the initiating court or to the Protective Order Registry Unit (fax 860-610-0480).

It is recommended that each location involved should ensure that a fax machine is available in the event exchange of documentation is required.

D. Case File Returned to Initiating Court

Subsection (c) of section 1 of the Act states "An order under this section shall remain in effect during the pendency of the proceedings in the family relations matter." At such time that the proceedings are concluded, the clerk shall return the case file to the originating court, unless otherwise ordered.

E. Timely Scheduling of Motions and Hearings

It is possible that a party may make a motion for alternative means of testimony in an action for a restraining order pursuant to C.G.S. 46b-15, or in an action for an order for temporary custody pursuant to C.G.S. 46b-129 (b). For example, particular attention needs to be paid to the possibility of a party with an ex parte order appearing at the hearing with such a motion. The court must ensure that a timely hearing is held.

F. Non-Judicial Facility

Presently, the court does not have the ability to ensure that videoconferencing from a facility outside the Judicial Branch network is consistent with our present system's encryption requirements. Any service provider outside the Judicial Branch network that initiates such a conference will be required to coordinate the scheduled sessions in advance with the Information Technology Division's Helpdesk at 860-282-6555.

Further Implementation Plans:

We continue to research and pursue alternative videoconferencing resources that would increase statewide coverage substantially. This may include the purchase and installation of videoconference equipment for additional court sites, the purchase of smaller videoconference devices that would create a "portable" option to equip any courtroom or conference room, and the possibility of leasing additional equipment that

could also equip any courtroom or conference room.

Summary:

This Act provides a protected party or child with the option to request that testimony in a family or juvenile matter be taken outside the physical presence of another party if there is an outstanding protective order, restraining order or standing criminal restraining order. While teleconferencing remains an option, if the court grants the motion and it includes videoconferencing, there are specific courts currently equipped for such purposes and additional courts will be equipped in the near future. The scheduling of future videoconferencing hearings will require the coordinated efforts of many individuals and will involve multiple courts for each hearing. Court files will need to be referred to other courts, processed by receiving court personnel, and ultimately returned to the initiating court.

As alternative videoconferencing resources become available, you will be notified along with any associated procedural revision.

It is important that you share this material with all appropriate court personnel, Judges, Magistrates, and Chief Marshals to ensure an understanding of the new procedures, technological options, and staffing requirements. If you have any comments or questions, please feel free to contact me. Thank you very much.

Enclosure

C: Hon. Julia DiCocco Dewey, Chief Administrative Judge, Family Matters
Hon. Christine E. Keller, Chief Administrative Judge, Juvenile Matters
Hon. Sandra Sosnoff Baird, Chief Family Support Magistrate
Joseph D. D'Alesio, Executive Director, Superior Court Operations
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